

Jermaine Gary
Register No. 15187-052
Federal Correctional Institution
33½ Pembroke Road
Danbury, CT 06811

The Hon. Norman A. Mordue
United States District Court
100 South Clinton Street
7th Floor
Syracuse, NY 13261-6100

February 10, 2019

Re: United States of America v. Jermaine Gary
Case No. 08-CR-671 (NAM)

Your Honor,

I hope this letter finds you well.

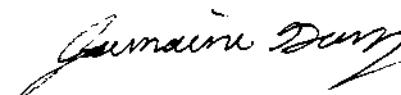
I was sentenced in your Court in the above-related matter on June 8, 2010. I am eligible for resentencing under the terms of First Step Act.

I was sentenced in 2010, forty days before the Fair Sentencing Act took effect. At my sentencing you indicated that if a future law made the changes to the mandatory minimums and the sentencing guidelines retroactive, I would be resentenced. Unfortunately, the Fair Sentencing Act did not make these changes retroactive, but the First Step Act did.

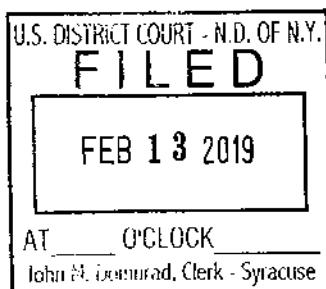
I would appreciate if the Court could assign a federal public defender to represent me in this matter. I wrote to Your Honor with this request on January 16, but have not yet heard back. Please advise if there are further details you require to facilitate such an appointment.

I appreciate your prompt attention to this matter.

Respectfully,



Jermaine Gary



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1 THE DEFENDANT: Appeal in like, appealing the
2 sentence?

3 THE COURT: There's a waiver. When you entered
4 your plea of guilty, you waived your right to appeal anything
5 in this case except the sentence, if I sentenced you to more
6 than 262 months, then you would have a right to appeal
7 whether I was correct in the sentence imposed.

8 In this case today I just sentenced you to 62
9 months less than that.

10 THE DEFENDANT: You sentenced me to 200 months.

11 THE COURT: 200 months.

12 THE DEFENDANT: Can I ask you a question, though?

13 THE COURT: Yes.

14 THE DEFENDANT: Say like that new law that's
15 supposed to be in legislation.

16 THE COURT: If that comes down and it's retroactive
17 like last time, you'll get a resentencing. You're not waiving
18 that.

19 THE DEFENDANT: Oh, okay, that's what I was
20 wondering.

21 THE COURT: That would be --

22 THE DEFENDANT: Then, I didn't --

23 THE COURT: -- something -- you don't have to waive
24 that issue.

25 MR. KATKO: Your Honor, I hate to complicate

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1 matters but it may or may not be retroactive. I'm not sure.

2 THE COURT: We got to wait till it comes down.

3 Last time it was retroactive. I don't know if it will be
4 this time.

5 MR. KATKO: That's right.

6 THE COURT: Because we resentenced every person
7 that we had, if you remember.

8 MR. KATKO: Yes.

9 THE COURT: In the Northern District of New York,
10 all the cases that had gone through.

11 Jermaine, I don't know if they're going to say it's
12 retroactive.

13 THE DEFENDANT: All right.

14 MR. KINSELLA: Yes, Judge, I don't believe there's
15 any basis for an appeal in this case.

16 THE COURT: Okay.

17 MR. KINSELLA: I want the record to reflect that.

18 THE COURT: Thank you. So at this time I'll remand
19 you to the custody of the United States Marshal in accordance
20 with the terms of this sentence.

21 I wish you well, Jermaine.

22 THE DEFENDANT: Thank you.

23 THE CLERK: Court stands adjourned.

24 (Proceedings were adjourned.)

25

Document Image
Register ~~John M. Dicenzo~~
Federal Correctional Institution
341 Pembroke Road
Danbury, CT 06811

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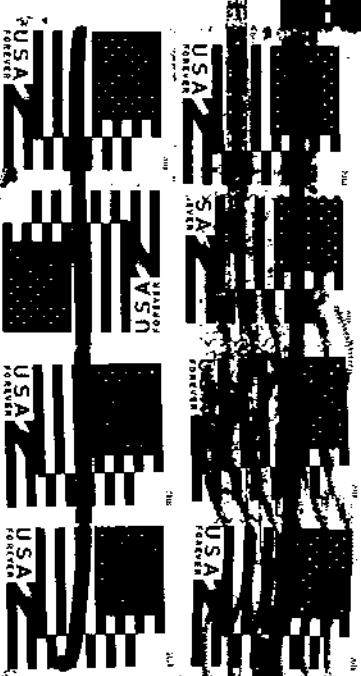
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LEGAL MAIL

U.S. DISTRICT COURT
JOHN M. DICENZO
CLERK
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Clerk Of Court
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